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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,300	06/20/2003	Jeffrey P. Whittemore	ZIP-0008	7713

7590

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/600,300

Applicant(s)

WHITTEMORE ET AL.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 40-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13, 15-18, 20-31, 33-37, 40-42 and 44 is/are rejected.
- 7) ☒ Claim(s) 10, 19, 32, 38 and 40 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the second Office Action for application serial number 10/600,300, Partition Mount with Extended-Length Head filed June 20, 2004.

Information Disclosure Statement

The second information disclosure statement filed January 16, 2004 has been placed in the application file, and the information referred to therein has been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 7-9, 11, 15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,490,749 to Morad teaches a mount comprising an elongated body (20), a curtain interface (14) and a coupler (18). The elongated body has a longitudinal axis. The curtain interface is coupled to an upper surface of the body. The coupler is adapted for coupling the elongated body to a mounting member (9).

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Additionally, the coupler includes an interface (34, 42) adapted to receive a mounting member. The coupling positioned of the coupler is adjustable over a range of positions relative to the longitudinal axis of the body. The curtain interface is a compressible material selected from the group consisting of foam, polyurethane foam, extruded vinyl and rubber strips, namely foam. The body comprises a U-shaped slot rail (24), wherein the curtain interface is mounted in the slot. The coupler is removably mountable to the body. Quick-release arms (32) engage a feature on the body for removably mounting the coupler to the body. The position of the coupler on the body can be adjusted variably. A mounting member comprises a mounting pole (9), wherein the interface is adapted to receive the mounting pole. A length of the body is substantially greater than a width of the body. The mounting member comprises a pole for mounting to the coupler, wherein the body is rotatable relative to the pole, when the coupler is threadedly engaging the interface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morad. Morad teaches the limitations of the base claim, excluding the length of the elongated body being at least one foot. It would have been an obvious matter of design choice to have made the body one foot, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morad in view of U.S. Patent No. 4,077,083 to Siemund. Morad teaches the limitations of the base claim, including the elongated body, namely the rails being made from plastic. However, Morad fails to teach the rail of the elongated body comprising an extrusion.

Siemund teaches an elongated body (14) being made from a unitary piece of plastic. The elongated body is made by a method of molding or extruding. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method by which the elongated body including the rails are made as taught by Morad to have incorporated the extrusion as taught by Siemund providing an alternate method of making the elongated plastic body.

Claims 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morad in view of U.S. Patent No. 3,433,510 to Hultstrum. Morad teaches the limitations of the base claim, excluding the ball and socket joint.

Hultstrum teaches a mounting comprising a coupler that includes one of a ball (24) and a socket joint (22) for receiving a corresponding one of a socket and a ball joint of the mounting pole (12). Additionally, the coupler further includes a retainer (50) for

preventing lateral rotation of the body relative to the mounting pole. The ball joint of the mounting pole further includes a flange (62) having a flat surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the coupler as taught by Morad to have incorporated the ball and socket joint as taught by Hultersturm for the purpose of providing swivel structure enabling the joined parts to be rigidly interconnected in a wide range of possible relative orientations.

Claims 18, 20-26, 28-31, 33-37, 41, 42 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morad in view of Hultersturm, as applied to claims 12 and 13, and in further view of U.S. Patent No. 4,926,522 to Wang. Morad in view of Hultersturm teaches the limitations of the base claim, excluding an adjustable length pole.

Wang teaches a pole (10) adjustable in length. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the pole as taught by Morad in view of Hultersturm to have incorporated the teaching of the adjustable pole as taught by Wang for the purpose of cleaning household articles that may otherwise be out of reach.

Regarding claim 37, Morad in view of Hultersturm and Wang teaches the limitations of the base claim, excluding the length of the elongated body being at least one foot. It would have been an obvious matter of design choice to have made the body one foot, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morad in view of Hultstrum and Wang, and in further view of Siemund. Morad in view of Hultstrum and Wang teaches the limitations of the base claim, including the elongated body, namely the rails being made from plastic. However, Morad in view of Hultstrum and Wang fails to teach the rail of the elongated body comprising an extrusion.

Siemund teaches an elongated body (14) being made from a unitary piece of plastic. The elongated body is made by a method of molding or extruding. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the method by which the elongated body including the rails are made as taught by Morad in view of Hultstrum and Wang to have incorporated the extrusion as taught by Siemund providing an alternate method of making the elongated plastic body.

Allowable Subject Matter

Claims 10, 19, 32, 38 and 40 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 43 is allowed.

Response to Arguments

Applicant's arguments with respect to claims 1-44 have been considered but are moot in view of the new grounds of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

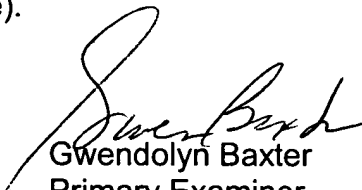
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 571-272-6814. The examiner can normally be reached on Monday-Wednesday, 8:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gwendolyn Baxter
Primary Examiner
Art Unit 3632

September 30, 2005